

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re)	Case No. 18-60805-7
)	
JOSEPH H KRUTSCH dba)	
406 PORTABLE WELDING)	
)	

Debtor.

ORDER ON MOTION TO MODIFY STAY AND STRIKING HEARING

In this Chapter 7 case, The Bank of New York Mellon f/k/a The Bank of New York as successor trustee for JPMorgan Chase Bank, N.A., as Trustee for the benefit of the Certificateholders of Popular ABS, Inc. Mortgage Pass-Through Certificates Series 2006-B at C/O Ocwen Loan Servicing, LLC (“Creditor”) filed a Motion to Modify Stay on September 11, 2018. In accordance with Mont. LBR 4001-1, Mont. LBR 9013-1 and Mont. LBF 8, Creditor attached a “Notice” to its motion advising Debtor, and other parties in interest, such as the Chapter 7 Trustee, that they had fourteen (14) days within which to respond to Creditor’s motion. The Trustee filed an objection to Creditor’s Motion. On December 14, 2018, the Trustee and Creditor filed a Stipulation resolving the Trustee’s objection to Debtor’s Motion. In accordance with the Stipulation,

IT IS ORDERED the stay afforded by § 362(a) of the Bankruptcy Code is modified, as of April 1, 2019, to permit The Bank of New York Mellon f/k/a The Bank of New York as

successor trustee for JPMorgan Chase Bank, N.A., as Trustee for the benefit of the Certificateholders of Popular ABS, Inc. Mortgage Pass-Through Certificates Series 2006-B at C/O Ocwen Loan Servicing, LLC to pursue its non-bankruptcy remedies against the following property of the estate:

Lot 77 of Spring Creek Ranch located in the N1/2 of Section 3, Township 10 North, Range 5 West, P.M.M., as disclosed by Certificate of Survey filed under Document Number 426619/E, records of Lewis and Clark County, Montana.

IT IS ALSO ORDERED that the hearing scheduled for January 8, 2019 at 9:00 AM is vacated.

BY THE COURT:



Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana